IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SIXTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 23408 of 2004

Between:

J.Rama Gopalam, S/o.Annappa Sastry, Occ: Sr.Assistant
O/o.The Inspector of Factories, Rajahmundry, E.G.District.

... PETITIONER

AND

1 The Director of Factories, 1-10-17, Ashok Nagar,

Hyderabad.
2 The Principal Secretary to Government, Labour, Employment

& Factories Department, Secretariat Buildings,

Hyderabad.
3 S.Radha Krishna Murthy, Sr.Assistant, O/o.The

Dy.Chief Inspector, of Factories, Eluru, W.G.Distirct.
4 The Registrar, A.P.Administrative Tribunal, Purani

Haveli, Hyderabad.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more in the nature of writ of Mandamus, declare the

action of the A.P. Administrative Tribunal in dismissing the M.A.No.3269 of 2004 in O.A.SR.No.12947 of 2004 (12947/04) dt.2/11/04 and rejecting the O.A. in SR stage, as irregular, arbitrary and set-aside the same and consequently the delay maybe condone and the 4th respondent may be directed to number the O.A. and to dispose of it according to the provisions of law and pass such other order or orders.

Counsel for the Petitioner: MR.P.V.VENKATESWARA RAO

Counsel for the Respondents1 and 2: GP FOR SERVICES-I

Counsel for the Respondents 3 and 4: None appeared.

The Court made the following:

ORDER: - (By GB, J)

This writ petition is filed challenging the order, dated 02.11.2004, passed by the A.P. Administrative Tribunal in M.A.No.3269 of 2004 in O.A (SR) No.12947 of 2004.

2. The Tribunal refused to condone the delay and dismissed the same on the ground that the O.A was time barred. After going through the records, we find that the final seniority list was published on 15.7.2002. Therefore, we find that the Tribunal ought not to have dismissed the application as time barred. Obviously, this aspect was not considered by the Tribunal.

3. Under those circumstances, we find that the matter requires reconsideration in the hands of the Tribunal. However, if there is any delay, taking into consideration the final seniority list, dated 15.7.2002, it is open for the petitioner to file separate application explaining the delay.

4. The writ petition is accordingly disposed of. No costs.

G.BIKSHAPATHY, J

P.S.NARAYANA, J

Dated: 16.12.2004

RAR

To

1 The Director of Factories, 1-10-17, Ashok Nagar,

Hyderabad.
2 The Principal Secretary to Govt., Labour, Employment &

Factories Department, Secretariat Buildings,

Hyderabad.
3 The Registrar, A.P.Administrative Tribunal, Purani

Haveli, Hyderabad.

4 2 CCs to G.P for Labour, High Court Buildings, Hyd.(OUT)

5 2 CD copies.